

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sophia Bernhardt	Team: Team # 8	CCRB Case #: 200304215	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 04/10/2003 , Wednesday, 04/23/2003 , Wednesday, 05/28/2003 11:30 PM	Location of Incident: § 87(2)(b)	Precinct: 40	18 Mo. SOL 11/28/2004	EO SOL 11/28/2004	
Date/Time CV Reported Sat, 05/31/2003 1:00 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 06/06/2003 12:22 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Anthony Demonte	19559	925184	PSA 7
2. POM Michael Goldreyer	28344	925359	PSA 7
3. POM Michael Flower	27281	913948	PSA 7
4. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Joseph Zech	30380	926339	PSA 7
2. POM Kenneth Newcomb	22450	914472	PSA 7

Officer(s)	Allegation	Investigator Recommendation
A.POM Anthony Demonte	Force: On 4/23/03, PO Anthony Demonte used physical force against § 87(2)(b)	
B.POM Michael Goldreyer	Discourtesy: On 4/23/03, PO Michael Goldreyer spoke obscenely and rudely to § 87(2)(b)	
C.POM Michael Flower	Force: On 5/29/03, PO Michael Flower used physical force against § 87(2)(b)	
D.POM Michael Goldreyer	Force: On 5/29/03, PO Michael Goldreyer used physical force against § 87(2)(b)	
E. An officer	Force: On 5/29/03, an officer used a chokehold against § 87(2)(b)	
F.POM Anthony Demonte	Force: On 5/29/03, PO Anthony Demonte used physical force against § 87(2)(b)	
G.POM Michael Goldreyer	Force: On 5/29/03, PO Michael Goldreyer used physical force against § 87(2)(b)	
H. An officer	Discourtesy: On 5/29/03, an officer spoke rudely to § 87(2)(b)	

Synopsis

On 4/23/03, § 87(2)(b) was arrested for § 87(2)(b) on § 87(2)(b) in the Bronx. On 8/12/03, she called the CCRB and alleged that in the course of her arrest she was punched in the face by Officer Demonte, a uniformed officer from Police Service Area-7 (Allegation A). She further alleged that as she was being placed in an police car, Officer Goldreyer, also of PSA-7, told her “get in the car, you fucking animal”(Allegation B). Officer Demonte admitted that he used force against § 87(2)(b) and struck her in the face. § 87(2)(g)

On 5/29/03, § 87(2)(b) and § 87(2)(b) got into a physical fight outside of § 87(2)(b) in the Bronx. § 87(2)(b) who was romantically involved with both women, was also present and tried to separate the two women. Officers Goldreyer, Demonte and Flower of PSA-7 came to the scene and arrested all three parties. Force was used in the arrests. On 5/31/03, § 87(2)(b) filed a complaint with the Internal Affairs Bureau, which was forwarded to the CCRB on 6/6/03. He alleged that Officer Flower used force against § 87(2)(b) (Allegation C), Officer Goldreyer used force against § 87(2)(b) (Allegation D), an unidentified officer used a chokehold against § 87(2)(b) (Allegation E) Officer Demonte used force against § 87(2)(b) (Allegation F), Officer Goldreyer used force against § 87(2)(b) (Allegation G) and an unidentified officer spoke rudely to § 87(2)(b) (Allegation H). § 87(2)(g)

Summary of Complaint – Incident on 4/23/03

On 10/21/03, § 87(2)(b) was interviewed at her home at § 87(2)(b) in the Bronx (Encl. 9). § 87(2)(b) is a § 87(2)(b) Hispanic female, 5'6" and 170 pounds with a light complexion and reddish brown hair. She stated that on 4/23/03, she was with her friends § 87(2)(b) and § 87(2)(b). They were drinking alcohol early in the evening and § 87(2)(b) had one mixed drink. She stated adamantly that she and her friends were not "drunk." § 87(2)(b) and her companions were walking past § 87(2)(b) in the Bronx when someone threw a "jar jelly" – a small glass bottle with jam inside – out of the window. The jar hit § 87(2)(b) on the head and she fell down. § 87(2)(b) was very angry and her friends tried to calm her down. Five or ten minutes later, a group of uniformed police officers arrived at the scene. § 87(2)(b) tried to explain the situation to the officers, but the officers ignored her and went into the building. A few minutes later, the officers escorted a group of young men out of the building. The young men were not arrested and were simply escorted outside and released. Without taking any further action, the officers left the scene. § 87(2)(b) and her friends were angry that the officers had not done more. § 87(2)(b) walked into the building, stating that she wanted to go upstairs and look for the perpetrator herself. Her friends tried to dissuade her and keep her from going up in the elevator. While the group was arguing in the lobby, the officers returned. An officer stated that they had received a complaint that some one was banging on apartment doors in the building. A short, dark-haired

white-male officer (PO2) escorted § 87(2)(b) and her friends out of the building. § 87(2)(b) and her companions left willingly but remained angry, noting that the officers seemed more concerned about people knocking on doors than about the assault of § 87(2)(b).

Outside, a blond white male officer in his thirties, 5'6"-5'7" and 140 pounds with blue eyes (PO1) noticed a beer bottle inside § 87(2)(b)'s purse. § 87(2)(b) stated that PO1 was one of the same officers that was involved in the incident on 5/29/03 and used force against § 87(2)(b) in that case. § 87(2)(b) had a small bag and the bottle was peeking out of the top in plain sight. PO1 asked § 87(2)(b) if she had been drinking and told her to produce identification. § 87(2)(b) asked "for what?" and began arguing with PO1. Meanwhile, § 87(2)(b) took out her cell phone to call her boyfriend, § 87(2)(b) and let him know what was happening. While she was on the phone, PO1 grabbed § 87(2)(b) by the left arm as if to arrest her. § 87(2)(b) did not want § 87(2)(b) to be arrested and so she grabbed § 87(2)(b)'s other arm and held on. A white male officer named "Demonte" approached and punched § 87(2)(b) on the right side of the face. § 87(2)(b) struck Officer Demonte back with her right hand. She was holding her cell phone in her right hand, and was not sure whether the phone hit Officer Demonte. However, she noted that the phone did leave her hand at some point because it ended up broken on the ground. Officer Demonte hit § 87(2)(b) in the face a second time and then cuffed one of her arms. A crowd had formed and § 87(2)(b)'s friend § 87(2)(b) was present. § 87(2)(b) grabbed § 87(2)(b) with her uncuffed hand to keep from being fully cuffed. However, after a few moments she released § 87(2)(b) so that he would not get into trouble as well. Officer Demonte cuffed § 87(2)(b) and she was brought over to a patrol car. As § 87(2)(b) stepped into the RMP, PO1 stated, "get in the car, you fucking animal." § 87(2)(b) sustained swelling to the right side of her face, but did not have a black eye. She did not seek out medical treatment.

Results of Investigation – 4/23/03

Civilian Witnesses

§ 87(2)(b) and § 87(2)(b) did not cooperate with the investigation and did not respond to various contact attempts. They never provided statements to the CCRB. For a full record of the efforts to obtain statements from them, see the investigative Action Log (enc. 55 & 57)

Officer Goldreyer

On February 6, 2004, Officer Goldreyer was interviewed at the CCRB (encl. 15). Officer Goldreyer is a § 87(2)(b) year-old White male with blond hair and blue eyes. He stated that on 4/23/04 he worked an evening tour with Officer Demonte. They responded to § 87(2)(b) and found a woman who was intoxicated and upset, later identified as § 87(2)(b). § 87(2)(b) stated that some one had thrown an object at her from a nearby building. § 87(2)(b) could not say where in the building the object had come from. She could not provide any information about a possible perpetrator. Officer Goldreyer offered to take a report, but informed § 87(2)(b) that since she had no information about the perpetrator, there was little he could do. § 87(2)(b) did not make a report and Officer Goldreyer and Officer Demonte left the scene. Some time later, Officer Goldreyer and Officer Demonte received a radio run at the same location reporting a disorderly female knocking on doors in the building. Officer Goldreyer and Officer Demonte responded to the scene along with two other officers, later identified as Officer Zech and Officer Newcomb. When they arrived, Officer Goldreyer saw § 87(2)(b) with a group of other civilians. She was still upset and intoxicated and she was knocking on doors in an attempt to find the perpetrator from earlier that evening. Officer Goldreyer noted that it was late at night, too late to be knocking on the door of every tenant. He added that the building is part of a public housing development and § 87(2)(b) did not live there. Officer Goldreyer told § 87(2)(b) that she could be arrested for trespassing and disorderly conduct, but she would not be arrested if she left right away. The officers escorted § 87(2)(b) and her companions outside.

When they got outside, one of the other officers noticed that another woman at the scene, later identified as § 87(2)(b) had an open container of beer. Officer Zech planned to give § 87(2)(b) a summons. However, § 87(2)(b) was loud and uncooperative and refused to provide ID. Officer Zech started to arrest § 87(2)(b) and Officer Goldreyer assisted. § 87(2)(b) struggled, refused to let go of her beer and flailed her arms to resist arrest. Officer Goldreyer could not recall the exact details of the struggle, but stated that he may have used some force to help bring § 87(2)(b)'s hands behind her back. Meanwhile another civilian, later identified as § 87(2)(b) began to approach with an aggressive stance. Officer Demonte held § 87(2)(b) back. Officer Goldreyer stated that he did not see Officer Demonte strike § 87(2)(b).

nor did he see § 87(2)(b) strike Officer Demonte. He stated that he was busy with the other arrest, and was not paying attention to them. Later, Officer Demonte later told him that § 87(2)(b) had thrown a cell phone at him. Officer Goldreyer denied that he told § 87(2)(b) “get in the car, you fucking animal.” He denied that any other officers made this comment.

Officer Demonte

Officer Anthony Demonte, a white male who is 6’4 and 270 pounds with dark hair, was interviewed at the CCRB on 12/12/03 (encl. 13). Officer Demonte did not recall the first trip to the scene but he did recall the second trip with Officer Goldreyer, Officer Zech and Officer Newcomb. § 87(2)(g)

§ 87(2)(b) He stated that when Officer Zech started to arrest § 87(2)(b) she resisted arrest and flailed her arms. At that point, a woman in the crowd approached, later identified as § 87(2)(b) § 87(2)(b) grabbed § 87(2)(b) away from Officer Zech. Officer Zech tried to pull § 87(2)(b) one way while § 87(2)(b) tried to pull her back the other way. Officer Demonte held out his forearm across § 87(2)(b) chest and pushed her back to prevent her from interfering. At the same time, § 87(2)(b) was speaking on her cell phone. She informed Officer Demonte that she was talking to her boyfriend and that he was going to come to the scene and “take care” of the situation. Officer Demonte told § 87(2)(b) to step back and continued to hold out his arm. At that point, § 87(2)(b) threw her cell phone at Officer Demonte’s face. Officer Demonte ducked and the phone did not hit him. The phone flew past him and into the street. § 87(2)(b) tried to punch Officer Demonte in the face with a closed fist. To stop her, Officer Demonte struck § 87(2)(b) in the face with an open hand. § 87(2)(b) stepped back. She was wearing glasses, but they did not fall off or break. At that point, Officer Demonte decided to arrest § 87(2)(b) and took out his handcuffs. He reached for § 87(2)(b) but she resisted arrest by moving around and flailing her arms. Officer Demonte placed one handcuff on § 87(2)(b) She continued to flail her other arm, but eventually Officer Demonte managed to handcuff her other wrist. Officer Demonte believed that his unit transported § 87(2)(b) to the Precinct. He denied that he or any other officer at the scene stated, “get in the car, you fucking animal.” He noted that in the course of her arrest processing, officers found that § 87(2)(b) had a pair of brass knuckles and a razor blade in her possession. Later that evening, § 87(2)(b) boyfriend came to the Precinct, whom Officer Demonte knew as “§ 87(2)(b) § 87(2)(b) later identified as § 87(2)(b) stated that he would “get” Officer Demonte out in the street.

Officer Zech

On 11/17/03 Officer Joseph Zech was interviewed at the CCRB (encl. 19). Officer Zech is a § 87(2)(b) -old white male, 5’10” and 200 pounds with brown eyes and brown hair. He stated that on 4/23/03, he was working a midnight tour with Officer Newcomb. He stated that he was busy with two civilians when he heard noise and looked over to see Officer Demonte holding his face. Officer Demonte started to grab § 87(2)(b) wrist to handcuff her. Officer Zech stated that he was busy with his own arrest, and did not witness the rest of § 87(2)(b) arrest. He denied hearing an officer tell § 87(2)(b) “get in the car, you fucking animal.”

Officer Newcomb

On 2/24/04, Officer Newcomb was interviewed at the CCRB (encl. 21). Officer Newcomb is a § 87(2)(b) -old white male, 5’4” and 185 pounds with Brown hair and blue eyes. He stated that when § 87(2)(b) and § 87(2)(b) were being arrested, there was an unruly crowd that tried to approach and disrupt the arrests. Officer Newcomb was busy restraining the crowd and did not witness the arrests. He did not see § 87(2)(b) strike Officer Demonte, nor did he see Officer Demonte strike § 87(2)(b)

Court Records and PD Docs

The Command Log indicates that § 87(2)(b) was taken into the Precinct at 00:50 (encl. 22). Her “physical and mental” condition was “A/N,” code for “Apparently Normal.” When she was searched incident to her arrest, a boxcutter knife, 2 razor blades and a pair of brass knuckles were found on § 87(2)(b) person (encl. 23). [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(b)

On § 87(2)(b), § 87(2)(b) was treated in the Emergency Room of § 87(2)(b) (encl. 31). He stated "I was trying to break up a fight and I got thrown to the gate." He complained of pain to his neck and back. § 87(2)(b) was told to rest and follow-up with an orthopedist. On 8/8/03, § 87(2)(b) was interviewed at the CCRB (encl. 32). § 87(2)(b) a § 87(2)(b) Black male, is 5'7" and 185 pounds with long braided hair. He stated that at the time of the incident he was romantically involved with two women, § 87(2)(b) and § 87(2)(b). On 5/29/03, the two women began arguing on the street in front of § 87(2)(b) in the Bronx. § 87(2)(b)'s brother's girlfriend, § 87(2)(b) was also present with her mother, § 87(2)(b). There is a bodega on the same block and § 87(2)(b) an employee of the bodega, was present as well. While § 87(2)(b) and § 87(2)(b) were shouting at each other, an unmarked black car pulled up with three uniformed officers inside. § 87(2)(b) recognized the officers because he regularly sees them around the neighborhood and they have stopped and questioned him before. He identified them by name as Officer Goldreyer, Officer Demonte and Officer Flower. The officers double-parked right near § 87(2)(b) but did not exit their vehicle or say anything. The argument escalated, and § 87(2)(b) tried to punch § 87(2)(b). § 87(2)(b) who had been trying to break up the fight, pulled § 87(2)(b) away from § 87(2)(b). In the meantime, the officers exited their vehicle.

Officer Flower grabbed § 87(2)(b) and placed his forearm across her throat. Officer Flower threw § 87(2)(b) to the ground and she hit her head on the concrete. Officer Flower leaned over § 87(2)(b) and placed a knee on her back. Meanwhile, Officer Demonte grabbed § 87(2)(b) by the shoulders of his jacket. Officer Demonte pushed § 87(2)(b) back into the gate of a closed storefront and banging him repeatedly against the gate. § 87(2)(b) was screaming for the officers to stop and Officer Demonte shouted at him to shut up and calm down. Officer Demonte told § 87(2)(b) that he should not have allowed the argument to escalate and should have prevented the two women from fighting. Meanwhile, Officer Goldreyer ran up to § 87(2)(b) and stood on his right side next to Officer Demonte. Officer Goldreyer pressed his elbow into the right side of § 87(2)(b)'s neck and held it there. § 87(2)(b) started screaming and Officer Goldreyer backed away and ran over to § 87(2)(b). Officer Goldreyer and two unidentified officers pushed § 87(2)(b) back against a parked car. Officer Goldreyer pushed his knee into § 87(2)(b)'s right thigh. An officer pressed § 87(2)(b)'s head down so that it was almost touching her knees.

§ 87(2)(b) and § 87(2)(b) were all handcuffed, arrested and taken to the precinct. § 87(2)(b) complained that her head hurt and later started vomiting in her cell. She was taken to the hospital for medical treatment. Officer Demonte gave § 87(2)(b) a summons for § 87(2)(b) and released him. § 87(2)(b) stated that he believed his back was injured when Officer Demonte banged him repeatedly against the gate. However, he added that he had back problems even before the incident, and so Officer Demonte only made them worse. He stated that he still experiences pain to his lower back. At the time of his interview, § 87(2)(b) was shown two sets of six photos, presented simultaneously to form arrays (encl. 32). § 87(2)(b) recognized Officer Flower, Officer Demonte and Officer Goldreyer immediately, and did not pick out any of the "filler" photos. He correctly identified each officer by name, associating the right name with each photo.

§ 87(2)(b)

On § 87(2)(b), § 87(2)(b) went to § 87(2)(b) for treatment (encl. 28). She complained of head pain and stated that "while being arrested, she was thrown to the ground and hit the back of her head." She also stated that she was dizzy and that she had vomited. § 87(2)(b) was treated in the emergency room and doctors determined that she did have a lump and mild swelling on the back of her head. CT scans were taken of her head but no additional injuries were found. § 87(2)(b) was diagnosed with a contusion to the head and told to take Motrin for pain and follow up with her regular doctor.

On 8/8/03, § 87(2)(b) was interviewed at the CCRB (encl. 30). § 87(2)(g) However, she stated that she was engaged in the argument with § 87(2)(b) and did not notice the officers when they first drove up. She stated that she did not see them until after she had punched § 87(2)(b) and Officer Flower pulled her back and threw her to the ground. § 87(2)(b) stated that when she hit the ground, she passed out for a few moments. When she regained consciousness, she was lying facedown on the ground. Her head hurt, and she felt some one kneeling on her back. An officer handcuffed § 87(2)(b) and lifted her to her feet. § 87(2)(b) later saw this officer's badge and

noted that it said, "Flower." § 87(2)(b) did not resist arrest, and she was quickly taken to a patrol car. She could hear a lot of commotion and saw that § 87(2)(b) was up against a gate. However, she noted that she was dizzy and "out of it." At the precinct, § 87(2)(b) began vomiting. She was taken to § 87(2)(b) for treatment in the Emergency Room. § 87(2)(b) was diagnosed with a contusion to the head. § 87(2)(b) denied that she had been drinking on the date of the incident or that she was intoxicated. At the time of her interview, § 87(2)(b) was shown photo arrays with Officer Flower, Officer Demonte and Officer Goldreyer. § 87(2)(b) immediately recognized Officer Flower and stated that he was the officer who threw her to the ground. She did not recognize Officer Demonte or Officer Goldreyer, nor did she pick out any of the "filler" photographs.

§ 87(2)(b)

On 6/1/03, § 87(2)(b) was interviewed at her home in the Bronx by IAB investigators (encl. 33). The IAB investigators noted on the record that § 87(2)(b) did have visible bruises at the time of the interview on her leg and on her wrists (see photos, encl. 34). On 11/20/03, § 87(2)(b) was interviewed at her home by CCRB investigators (encl. 36). § 87(2)(b) is a Hispanic female with dark hair and a light complexion. She stated that she saw officers push § 87(2)(b) to the ground and push § 87(2)(b) up against a gate. An officer (she did not recall which one) placed his forearm across § 87(2)(b)'s throat and lifted him up in that position. Meanwhile, § 87(2)(b) was pushed up against the car and an officer or officers placed a knee against her thigh and an arm across her throat. At the precinct, a short white male officer stated, "fight me when I'm not in uniform." § 87(2)(g) Upon further questioning, she admitted that she didn't know which officer did what. She was unsure whether the officer who pushed a knee into her thigh was the same officer who placed an arm across her throat. § 87(2)(b) was shown two photo arrays, which contained pictures of Officer Demonte, Officer Goldreyer and Officer Flower. She did not recognize any of the officers.

Results of Investigation – 5/29/03

§ 87(2)(b) and § 87(2)(b) did not cooperate with the CCRB and did not make in-person statements. However, § 87(2)(b) did speak to this investigator over the phone on 7/31/03 (encl. 37). § 87(2)(b) stated that she saw an officer throw § 87(2)(b) to the ground and handcuff her. Officers also handcuffed § 87(2)(b) who struggled and resisted arrest. After the two women were handcuffed, the officers grabbed § 87(2)(b) and slammed him against a gate several times. The officers hit him and told him that he should have "been a man" and broken up the fight himself. Later that day, § 87(2)(b) and her daughter went to the hospital to see § 87(2)(b) § 87(2)(b) who had already been released, came with them to seek medical treatment himself. When they reached the hospital, they saw one of the officers from the scene, who told them that if they went into the hospital, they would be arrested. § 87(2)(b) felt that this statement was ridiculous and so she and § 87(2)(b) went into the hospital anyway and were not arrested.

Canvass

On 10/1/03, Investigator Bernhardt and Investigator Bolton traveled to § 87(2)(b) and § 87(2)(b) (encl. 38). Near § 87(2)(b) is a small grocery store. There seemed to be a lot of drug activity in and around the store. The investigators spoke with § 87(2)(b) the store employee named by § 87(2)(b) as a witness. § 87(2)(b) was a very tall, thin Hispanic male with a light complexion. His manner was vague and distracted, and he appeared to be under the influence of narcotics. § 87(2)(b) stated that he remembered something about a fight right outside the store, and two women getting arrested. He stated that he was outside the store and "saw it all," but later stated that he could not remember any specifics. § 87(2)(b) stated that a woman hit her head, but he could not say how she hit her head. He could not recall any details regarding force used by the officers, or the appearance of any of the parties. Investigators spoke with numerous other people at the bodega - both customers and employees, but no one was found who had witnessed the incident.

Officer Demonte

On 12/12/03, Officer Anthony Demonte was interviewed at the CCRB (encl. 41). He stated that on 5/29/03 he was assigned to a Conditions team with Officer Flower and Officer Goldreyer. Officer Demonte was driving southbound on § 87(2)(b) when he saw three people engaged in an argument. He recognized

two of them, § 87(2)(b) and § 87(2)(b) from a prior encounter. The officers double-parked and waited for several minutes. Officer Demonte explained that he did not intervene immediately because he wanted to give § 87(2)(b) and § 87(2)(b) a chance to leave on their own. At one point, § 87(2)(b) looked at Officer Demonte and made eye contact. Officer Demonte jerked his head to signal to § 87(2)(b) that he should leave. § 87(2)(b) did not respond. At another point, § 87(2)(b) looked over in Officer Demonte's direction. From these interactions, Officer Demonte assumed that § 87(2)(b) and § 87(2)(b) knew that he was there.

After a few minutes, § 87(2)(b) punched the other woman, later identified as § 87(2)(b). At that point, the officers exited their vehicle. Officer Demonte approached § 87(2)(b) and placed each hand under one of his armpits. Officer Demonte pushed § 87(2)(b) back into a metal gate covering a nearby storefront. The gate was somewhat flexible, and so when § 87(2)(b) was pushed against it, the gate bounced back. Officer Demonte explained that he had to use force to contain § 87(2)(b) because he needed to make sure that he did not attack the two women or the other officers. He acknowledged that § 87(2)(b) had not used any force up until that point, but stated that given the level of conflict, it would have been insufficient to simply tell § 87(2)(b) to move back. Once he was against the gate, § 87(2)(b) tried to push against Officer Demonte, using the gate for leverage. Officer Demonte pushed back to keep § 87(2)(b) against the gate. The struggle caused the gate to bounce a little, moving § 87(2)(b) back and forth. § 87(2)(b) tried to strike Officer Demonte with his arms but was unable to do so because the officer was holding him back and Officer Demonte's arms were longer than § 87(2)(b)'s. After a few moments, § 87(2)(b) gave up and stopped struggling. Officer Demonte handcuffed § 87(2)(b) and he did not resist arrest. Afterwards Officer Demonte looked over and saw § 87(2)(b) lying on the ground and clutching her head while Officer Flower handcuffed her. Meanwhile, § 87(2)(b) began shouting at Officer Flower. Officer Goldreyer and Officer Flower handcuffed § 87(2)(b). Officer Demonte denied seeing an officer push his knee into § 87(2)(b)'s thigh. When asked whether he or any other officer placed an elbow against § 87(2)(b)'s throat, Officer Demonte denied the allegation. Officer Demonte added that § 87(2)(b) was yelling throughout the incident and his breathing was definitely unrestricted.

Officer Demonte transported § 87(2)(b) to the Precinct and spoke with him there. He told § 87(2)(b) that he should have left the scene when he first gestured for him to go. He admittedly told § 87(2)(b) that he had not been "man enough" to leave. Officer Demonte ultimately decided to release § 87(2)(b) with a summons since he had not been involved in the fight. EMS arrived for § 87(2)(b) just as § 87(2)(b) was leaving and a woman, later identified as § 87(2)(b) had come to pick him up. When he saw the EMS personnel, § 87(2)(b) announced his intention to go to the hospital and see § 87(2)(b). Officer Demonte informed § 87(2)(b) that he would not be allowed to see § 87(2)(b) at the hospital because she was still under arrest. § 87(2)(b) stated, "Well, I'm going to go there because my back hurts." Officer Demonte said, "Don't get yourself into trouble by going to the hospital and starting something over there." Officer Demonte denied threatening to actually arrest § 87(2)(b) or § 87(2)(b).

Officer Goldreyer

On 2/6/04, Officer Goldreyer was interviewed at the CCRB (encl. 45). Officer Goldreyer stated that when he and his partners arrived at the scene, a physical fight was already in progress between § 87(2)(b) and § 87(2)(b). § 87(2)(b) was standing nearby and watching the fight. Meanwhile, the women were striking each other and pulling at each other's hair and clothing. Officer Goldreyer called out to § 87(2)(b) and § 87(2)(b) from his car and told them to stop the fight and to leave, but the women ignored him. Officer Goldreyer and his partners exited their vehicle and attempted to separate the two women. Officer Flower held § 87(2)(b) while Officer Goldreyer stood by § 87(2)(b). § 87(2)(b) was cooperative at first. § 87(2)(b) was not cooperative and struggled to get away from Officer Flower. Officer Flower brought § 87(2)(b) to the ground and tried to handcuff her. Officer Goldreyer could not recall how § 87(2)(b) was brought to the ground or whether Officer Flower was holding her when she hit the ground. Seeing the arrest of § 87(2)(b), § 87(2)(b) became unruly and tried to approach § 87(2)(b). Officer Goldreyer held § 87(2)(b) back and walked her to a parked car. Officer Goldreyer denied that he pushed his knee into § 87(2)(b)'s thigh or pushed her into the car. He stated that he simply held his arm out in front of § 87(2)(b) to block her path and prevent her from joining the fray. Officer Goldreyer could not recall the specifics of § 87(2)(b)'s arrest, but stated that she was wiggling and moving around. When asked about the injuries to

§ 87(2)(b) thigh, Officer Goldreyer stated that he did not cause these injuries, and hypothesized that § 87(2)(b) might have been hurt during her fight with § 87(2)(b).

§ 87(2)(b) eventually became unruly as well and tried to approach § 87(2)(b). Officer Demonte held § 87(2)(b) back against a building. At one point – he was not sure precisely when – Officer Goldreyer approached § 87(2)(b) and Officer Demonte to see if Officer Demonte was okay. Officer Demonte seemed to have everything contained, and so Officer Goldreyer went back over to § 87(2)(b). Officer Goldreyer denied that he or any other officer pressed an elbow against § 87(2)(b)'s throat. Officer Goldreyer stated that more officers arrived at some point and helped with the transport of prisoners to the precinct, but he was not sure which officers came.

Officer Flower

On November 12, 2003, Officer Michael Flower was interviewed at the CCRB (encl. 47). Officer Flower, a § 87(2)(b)-old white male, is 5'7" and 170 pounds with blue eyes and a pink complexion. He stated when he and his partners arrived at the scene, he saw two females engaged in a physical fight. A man was trying to intervene and break up the fight by standing between the two women. The man was unsuccessful and the women managed to push him away. The officers pulled up, exited their vehicle and immediately approached the scene. Officer Flower told the women, "Police! Stop!" but the women continued to fight. Officer Flower approached one of the women, later identified as § 87(2)(b) and grabbed her from behind. Officer Flower stated that he could not recall how he grabbed § 87(2)(b) or where he placed his hands on her body. However, he denied that he grabbed her by the neck or used a chokehold. Officer Flower "spun" § 87(2)(b) towards him. She began to struggle and tried to kick Officer Flower. Officer Flower and § 87(2)(b) fell to the ground together on their sides. They were still holding on to each other when they fell. Officer Flower stated that § 87(2)(b) "could have" hit her head and that he hit his own head when he fell. § 87(2)(b) continued to struggle on the ground and she wrestled with Officer Flower for several minutes. Eventually Officer Flower managed to handcuff § 87(2)(b) on her stomach. In order to cuff her, Officer Flower sat on top of § 87(2)(b) back. He stated that he weighs 200 pounds and that his weight was needed to bring § 87(2)(b) into custody. Officer Flower denied that he "threw" § 87(2)(b) to the ground or that she hit the ground alone. Officer Flower did not see § 87(2)(b) lose consciousness. Officer Flower stated that he was busy with § 87(2)(b) for a few minutes. By the time she was handcuffed, the second woman at the scene and the man at the scene were already in custody. Officer Flower denied witnessing either of the other arrests. He denied seeing an officer press his elbow against the throat of a civilian. He stated that other officers arrived at some point and helped bring the prisoners to the precinct, but he was not sure who these officers were.

Police Documents

The Command Log shows that § 87(2)(b) and § 87(2)(b) were brought into PSA-7 just after midnight on 5/29/03 (encl. 50). Officer Goldreyer was listed as the arresting officer for all three. § 87(2)(b) was found to be in need of medical attention with a "lump to back of head." A Medical Treatment of Prisoner Form was filled out stating that she complained of pain to her head (encl. 49). At 1:00 AM, she was taken to § 87(2)(b). § 87(2)(b) was released with a summons at 12:40 AM. His physical condition was listed as "A/N," code for "apparently normal." § 87(2)(b) was also found to be uninjured, and she was taken to Bronx Central Booking at 2:20 AM. At 3:15 AM, § 87(2)(b) returned from the hospital and was then taken to Bronx Central Booking. It is evident that backup officers arrived at some point and helped with the prisoner transport. However, no documentation was ever found to identify these officers. Specifically, no sprint record was found of a call for backup (encl. 56).

Court Records

§ 87(2)(b)) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

CCRB case #200207663 and the Officer CCRB Histories

Officer Demonte and Officer Goldreyer were both named as subjects in CCRB case number 200207663. Officer Demonte was accused of punching a civilian in the face and using a chokehold by pressing his

forearm against the throat of a civilian. Officer Goldreyer was accused of using physical force and making a false official statement in his CCRB interview. The chokehold allegation was unsubstantiated and the other allegations were substantiated. The Board recommended that charges be brought against Officer Demonte and Officer Goldreyer. The NYPD disposition in the case is still pending. It should be noted that in his four years on the force, Officer Demonte has had 5 CCRB complaints against him, four of them for force. Officer Flower has been on the force for 12 years, and has 12 CCRB complaints against him. He has a prior substantiated cases for discourtesy alone (CCRB #6292557) and a second substantiated case for discourtesy, offensive language and threat of force (CCRB #9702061). Officer Flower is currently named as a subject in pending CCRB case number 200400317. He is accused of § 87(2)(g) improper strip search, § 87(2)(g)

Conclusions and Recommendations

§ 87(2)(g)

Civilian Credibility

§ 87(2)(g)

Officer Credibility

§ 87(2)(g) He admitted that he used force against § 87(2)(b) even though § 87(2)(b) had not presented any resistance at that point and was not involved in the fight. He further admitted that he told § 87(2)(b) he was “not man enough” to prevent the fight. § 87(2)(g)

Officer Goldreyer was also cited for making a false official statement in his prior CCRB investigation. § 87(2)(g)

4/23/03

It is undisputed that the officers tried to lawfully arrest § 87(2)(b) for § 87(2)(b). § 87(2)(b) tried to physically intervene and prevent the arrest. A physical struggle ensued. § 87(2)(b)

§ 87(2)(g) has further alleged that as she stepped into a police car, an officer told her, “get in the car, you fucking animal.”

Officer Identification

It is undisputed that Officer Demonte struck § 87(2)(b) and so the force allegation has been pled against him. § 87(2)(b) stated that the officer who spoke rudely to her was a white male in his 30s with blond hair and blue eyes, 5’6”-5’7” and 140 pounds. She also stated that he was present for the incident on 5/29/03 and was one of the officers who used force against § 87(2)(b) § 87(2)(g)

Officer Goldreyer, who is a § 87(2)(b)-old white male, 5'7" and 150 pounds with blond hair and blue eyes. § 87(2)(g). Officer Demonte, the only other officer who was present for both incidents, is 6'4" and 270 pounds with dark hair, § 87(2)(g)

Allegation A: Officer Demonte used force against § 87(2)(b)

§ 87(2)(b) admitted that she was struggling and tried to physically prevent § 87(2)(b)'s arrest by fighting with the officers. Officer Demonte alleged that she threw her cell phone at him, and § 87(2)(b) admitted that she did let go of her phone at some point during the struggle. § 87(2)(g)

According to the Police Student's Guide *Scale of Escalating Force*, an officer should use "wrestling holds and grips designed to physically overpower subjects" when a perpetrator is engaged in "minor physical resistance: grappling...pulling, or pushing away." An officer may use "impact techniques" such as batons and fists when a perpetrator is engaged in a "physical assault likely to cause physical injury." § 87(2)(g)

Allegation B: Officer Goldreyer spoke rudely to § 87(2)(b)

§ 87(2)(b) alleged that Officer Goldreyer told her, "get in the car, you fucking animal." § 87(2)(g)

5/29/03

It is undisputed that on 5/29/03, § 87(2)(b) and § 87(2)(b) argued loudly in front of § 87(2)(g). § 87(2)(b) was also present. § 87(2)(b) eventually punched § 87(2)(b) in the face. Officers Demonte, Goldreyer and Flower of PSA-2 approached the women to break up the fight. Officer Flower approached § 87(2)(b). Officer Goldreyer approached § 87(2)(b) and Officer Demonte approached § 87(2)(b). Officer Flower struggled with § 87(2)(b) and she fell to the ground. Officer Flower knelt on her back and handcuffed her on the ground. In the course of her arrest, § 87(2)(b) hit her head and sustained a contusion. Meanwhile, Officer Demonte pushed § 87(2)(b) back against a wall and held him there. § 87(2)(b) was upset and began yelling and possibly struggling. § 87(2)(b) was arrested for § 87(2)(b) but later released with a summons. § 87(2)(b) was cooperative with the officers at first and moved away from the scene. However, she became upset when she saw § 87(2)(b) fall to the ground. § 87(2)(b) began screaming and she was pushed back against a car and handcuffed. In the course of her arrest, she sustained a large bruise to her right thigh. The civilians have alleged that in addition to the force described above, Officer Goldreyer pressed his knee into § 87(2)(b) thigh and pressed his elbow against § 87(2)(b)'s throat. An officer allegedly placed an arm across § 87(2)(b) throat and told her "fight me when I'm not in uniform."

Officer Identification and Pleading of Allegations

§ 87(2)(g)

Allegation C: Officer Flower used force against § 87(2)(b)

It is undisputed that § 87(2)(b) punched § 87(2)(b) § 87(2)(g)

Allegation D: Officer Goldreyer used force against § 87(2)(b)

Allegation E: An officer used a chokehold against § 87(2)(b)

It is evident that § 87(2)(b) and § 87(2)(b) were both angry and upset. In order to break up the fight, the officers needed to physically separate § 87(2)(b) and § 87(2)(b) and hold them apart. Furthermore, although § 87(2)(b) never succeeded in striking § 87(2)(b) it was not for lack of trying. § 87(2)(b) admitted that she was about to strike § 87(2)(b) when the officers intervened. § 87(2)(g)

§ 87(2)(b) also alleged that an officer placed an arm across her throat. She was unsure whether this officer was the same person who placed a knee against her thigh, and she could not identify any of the officers in photo arrays. § 87(2)(g)

Allegation F: Officer Demonte used force against § 87(2)(b)

§ 87(2)(b) has alleged that Officer Demonte pushed him back and then slammed him against the gate several times. Officer Demonte has admitted that he approached § 87(2)(b) and pushed him back against a gate, but has denied that he slammed him against the gate repeatedly. § 87(2)(g)

§ 87(2)(g)

According to Officer Demonte's own account, § 87(2)(b) was not involved in the fight between § 87(2)(b) and § 87(2)(b). In fact, the officers were annoyed because § 87(2)(b) did not do more to get involved and help break it up. § 87(2)(g)

When asked why he used force, Officer Demonte stated that § 87(2)(b) posed a *potential* threat and that he had to be contained because the conflict was so heated. § 87(2)(g)

§ 87(2)(g) . According to the Police Student's Guide *Scale of Escalating Force*, officers should respond to "minor violations or disorderly conditions" with "verbal persuasion" not with physical force.

§ 87(2)(g) .

Allegation G: Officer Goldreyer used force against § 87(2)(b)

§ 87(2)(b) alleged that Officer Goldreyer pressed the point of his elbow against his neck. § 87(2)(g) .

Nevertheless, when § 87(2)(b) went to the hospital later that evening, he complained of neck pain to medical personnel. § 87(2)(b) also corroborated the allegation. Officer Goldreyer denied using the alleged force, but he admitted that he ran over to § 87(2)(b) while Officer Demonte was holding him against the gate. § 87(2)(g)

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Allegation H: An officer spoke rudely to § 87(2)(b)

§ 87(2)(g) .

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: